

## LAW AND THE ART WORLD

# What is original art? New definitions for a new age

By Bill Frazier ©2014

A question has arisen once again about what an art gallery or show means when “original art” is specified for a show or exhibition. Normally, this would be self-explanatory, but questions arise when the work submitted is created from new technologies. Most people think of original art in terms of oil or watercolor paintings, bronze or stone sculptures, etchings, embossings, and other works created by the hand of the artist. Since there is no actual legal definition of “original art” that I know, this leaves room for some subjective interpretation, marketing and abuse. We will come back to this.

### Computer-generated artwork

With new technologies, much artwork, whether original or not (and this is open to debate), can be computer generated. I would argue that the artist is using the computer and a variety of computer programs to produce his artwork. Just as the Old Masters used mirrors, camera obscura, reflections generated by candlelight, and other techniques, which were the technologies of that day, contemporary artists use the creative technology available to them.

For years, many artists, often in denial, used projectors to project the image of a photograph or small sketch onto a canvas, and then completed the painting. Who is to say whether such a process diminished the value of the resulting painting? Sculptors for generations have used a mechanical process for enlarging a small sculpture or maquette into a large heroic-size monument. No one argues that this has diminished the worth of the monument.

The computer is the technology of our time and many artists use it to create their artwork. Photographers use it to develop, manipulate and print their images. Does that make their work any less valuable?

I have a hard time seeing any conceptual difference between the artists who use projectors for composing their compositions on canvas and those who manipulate digital images on their computers. This should be a philosophical discussion for the art world and not a legal issue. Do many buyers really care how the artist arrived at the final painting or image?

### Giclee prints on canvas

What does create problems is the practice of some artists of reproducing their originals into giclee prints on canvas, adding a few strokes of linseed oil, paint or glaze, and then calling the resulting product an original. These are also called “enhanced” giclee prints and sell for a lot of money.

This is akin to the production of “carbonized” prints some years ago during the frenzy of limited-edition everything. The image would be printed, often from a pencil or charcoal original. The artist or publisher then would add a few strokes with a pencil, perhaps a few strands of hair, and call it a carbonized original print. It was then marketed as having an increased value because of the touch of the artist. Similarly, today we have enhanced prints that are typically the giclee canvas prints described above.

I say all of this not to criticize the process or the product, but instead the hype associated with it. Let’s just call it what it is. These are fine prints produced with the latest technology, but they are not originals.

### The art of printmaking

Now, back to what is generally considered original work. Etchings are generally considered originals or original prints. Rembrandt and Renoir are as well known for their etchings as for their paintings.

Remington produced etchings but most were not actually made by him; they were adapted (derivatives in modern parlance) from his paintings by etching artists in the employ of magazines for which Remington created illustrations for articles. This comment is not designed to elicit a discussion between what is art and what is illustration. The etchings could be reproduced more easily in early magazines before the day of photo and offset printing.

Other examples of what are considered original printmaking, and hence original artwork, are embossing, engraving, drypoint, mezzotint, silkscreen and stone lithography, but this is not an exhaustive list. Look at the work of Picasso, Cezanne, Degas, Toulouse Lautrec, etc.

However, a variety of photomechanical reproductions are not generally considered originals. Similarly, giclee prints are made on a more sophisticated form of ink-jet printer. The image of the artwork is scanned into a



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computer and printed on a giclee printer, whether on paper, glass, cloth or canvas. The result is a fine print, but not an original work of art.

So, to summarize, prints may be either mechanical reproductions of original paintings, or another medium of art making where the artist himself works on stone or a metal plate to create an image, which is then printed in ink or paint.

When an art show invites participants, if it does not want such prints, it should specify what is not acceptable and avoid misunderstandings and bad public relations. If the show does not want to include computer-generated or enhanced work, it should say so at the outset.

However, an increasing number of artists create computer-related artwork and there is a growing collector market for it. Much of it is exceptional, but it has not gained the same acceptance in the market as has traditional originals.

I recommend that shows define their terms for acceptable entries before the invitations are sent. At the same time, I recommend that artists insure that their work is original and is not simply an enhanced reproduction. This is an area where there are very limited market-wide standards, little state or statutory regulation, and even less enforcement.

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### Fostering the creative economy

The next century will be greatly influenced by innovative uses of knowledge in overlapping sectors such as business, the arts, technology and culture, writes Epaminondas Farmakis in the *Stanford Social Innovation Review*.

Organizations of all types, including nonprofits, should understand that creative industries are vitally important to economic prosperity.

Read the full story at [www.ssireview.org/blog/entry/fostering\\_the\\_creative\\_economy](http://www.ssireview.org/blog/entry/fostering_the_creative_economy).

## Tech Talk: Fake warning messages are scams

By Mark Ratledge

Last issue, I described high-tech scammers who randomly call people and try to talk them into allowing remote access to their PCs or Macs under the guise of helping to clean out nonexistent viruses and malware. The bottom line is to never believe anyone who calls you out of the blue and tells you that your computer is infected and they can help fix it.

But there is another popular scam that impacts many more computer users and which you may see or have already seen. This scam takes the form of a “pop-up” box or window in your web browser that warns you of something critical and tells you to immediately call a phone number for help. These scams tend to be more convincing, because the victim takes the initiative to call the number out of fear, and psychologically, that puts the victim at the disadvantage and the scammer at an advantage.

There are different variations on these scams, but the bottom line is that the help will be fake, and the persuasion they lay on you for your credit card number will be thick.

One widespread scam that continues to be around this fall and winter is for Apple

computers. It’s a pop-up in the Safari web browser that states that the “FBI has locked your browser” and you must call an 800 number right away and “criminal proceedings will take place” if a fine is not paid.

The phone number is not an Apple number and is actually for a shady technical support company in Las Vegas. Scam victims who called were told that their Mac was infected with a virus and they needed to buy anti-virus protection from the company. But it’s all a scam, and the anti-virus they sell and install may even be malware, according to some experts.

When confronted with these pop-ups and phone numbers, the quickest thing to do is simply Google the phone number. There are many free websites out there which gather user comments on 800 and toll-free numbers. You will quickly find out if the number is an official phone for Apple.



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But the thing is, the number won’t be an official corporate phone number, because any high-tech company worth its salt knows that these kinds of scams abound, and will take pains to not appear to be anything like such a scam. And Googling the phone number for that pop-up will show it’s a scam, according to many users.

Another thing to do is Google search the domain. Once again, if the domain is sketchy, you should soon find out from others on the web. The ongoing Apple scam purports to be from [apple-security-updates.com](http://apple-security-updates.com) or [mac-system-alerts.com](http://mac-system-alerts.com). Both are not Apple domains and are registered to owners in other countries. Apple has had some success in shutting down previous scam domains.

So don’t be apprehensive when using the web, but be very wary of a warning or pop-up that demands a phone call from you.